

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Applicant: Evan E. Dussia

Examiner: Vanel Frenel

Serial No.: 09/616,276

Filed: 7/14/2000

Group Art: 3626

Attorney Docket: 065489-001

For: Computerized Method and System
for Obtaining Storing and Accessing
Medical Records

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In accordance with MPEP 713.04, this paper sets summarizes the discussion between the Examiner and the Applicant's representative on May 8, 2008, June 12, 2008, and June 18, 2008 in an attempt to expedite examination of the above-referenced application.

REMARKS

On March 31, 2008, the Board of Patent Appeals and Interferences (the Board) issued a Decision on Appeal in the above-referenced application and concluded that the Examiner did not err in rejecting claims 1 and 22-24 of the present application over U.S. Patent No. 5,772,585 to Lavin et al. ("Lavin") in view of U.S. Patent No. 6,206,829 to Iliff ("Iliff"), and claim 21 over Lavin, Iliff, and U.S. Patent No. 5,949,875 to Walker ("Walker"). Further, the Board concluded that the Examiner erred in rejecting claims 2-4, 6-8, 10-17, and 19-20 as being unpatentable over Lavin and U.S. Patent No. 6,347,329 to Evans ("Evans") and erred in rejecting claims 9 and 18 as being unpatentable over Lavin, Evans, and Walker.

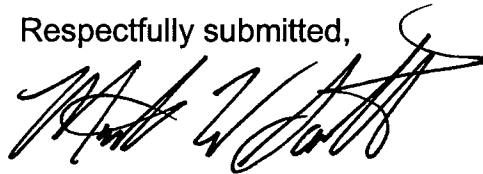
Applicant's representative, Mark W. Scott, initially contacted the Examiner on May 8, 2008 to propose canceling the claims that the Board upheld the rejections of under 35 U.S.C. 103(a), correcting an informal error in claim 14, and amending claim 24 as previously presented, but not entered in the application. Due to the length of pendency of the application, the Applicant wished to proceed to allowance in the quickest possible manner. Following the teleconference, the Applicant's representative faxed proposed amendments to the Examiner and the Examiner agreed to review the amendments and get back to the Applicant's representative with an indication of whether the amendments would be acceptable.

After trading several voicemails, the Examiner and Applicant's representative spoke again on June 12, 2008. The Examiner stated, after reviewing the case, the Applicant's should amend Claim 2. Applicant's representative believed the Examiner's suggested new claim language for Claim 2 to be "populating via a computer said database with respective progress notes..." Applicant's representative stated he would contact the client for approval and get back to the Examiner.

After reviewing the suggested claim language, Applicant's representative again spoke to the Examiner on June 18, 2008 to clarify the Examiner's suggested claim language. The Examiner stated that the preamble requires "a

computerized method” and he would like to see the claim elements tied back to the preamble in some manner. The Examiner then clarified for the Applicant’s representative that he desired the term “database” to be described as a “computer database” in claim 2. Applicant’s representative tentatively agreed to this amendment pending approval from the client. On June 23, 2008, Applicant’s representative faxed proposed amendments incorporating the Examiner’s suggested claim language to the Examiner.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Mark W. Scott', with a large, stylized flourish at the end.

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